

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT
FILED AT WHEELING, WV
OCT - 2 2012
NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

UNITED STATES OF AMERICA,
Plaintiff,

v.

PATRICK FRANKLIN ANDREWS, and
KEVIN MARQUETTE BELLINGER
Defendants.

Criminal No.

1:12-CR-100

Violations:

18 U.S.C. § 2
18 U.S.C. § 7(3)
18 U.S.C. § 1111(a) & (b)
18 U.S.C. § 1118

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Murder by Federal Prisoner Serving a Life Sentence)

On or about October 7, 2007, in Preston County, within the Northern District of West Virginia, PATRICK FRANKLIN ANDREWS and KEVIN MARQUETTE BELLINGER, the defendants herein, while confined in a Federal correctional institution, namely the United States Penitentiary at Hazelton, West Virginia, while each was under a sentence for a term of life imprisonment, aided and abetted by each other, did unlawfully kill Jesse Harris with malice aforethought, which killing is a murder as defined in Title 18, United States Code, Section 1111(a), in violation of Title 18, United States Code, Section 1118 and Section 2.

COUNT TWO

(Second Degree Murder)

On or about October 7, 2007, in Preston County, within the Northern District of West Virginia, PATRICK FRANKLIN ANDREWS and KEVIN MARQUETTE BELLINGER, the defendants herein, at the United States Penitentiary at Hazelton, West Virginia, within the Special Maritime and Territorial Jurisdiction of the United States, aided and abetted by each other, did unlawfully kill Jesse Harris with malice aforethought, in violation of Title 18, United States Code, Section 1111(a) and (b), Section 2, and Section 7(3).

NOTICE OF SPECIAL FINDINGS

The Grand Jury repeats and realleges the allegations in Count One of this Indictment as if fully set forth herein. As to Count One, the defendant PATRICK FRANKLIN ANDREWS:

- a. was 18 years of age or older at the time of the offense (18 U.S.C. Section 3591(a)(2));
- b. intentionally killed Jesse Harris (18 U.S.C. Section 3591(a)(2)(A));
- c. intentionally inflicted serious bodily injury that resulted in the death of Jesse Harris (18 U.S.C. Section 3591(a)(2)(B));
- d. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Jesse Harris died as a direct result of the act (18 U.S.C. Section 3591(a)(2)(C));
- e. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and Jesse Harris died as a direct result of the act (18 U.S.C. Section 3591(a)(2)(D));
- f. caused the death of Jesse Harris during the commission of an offense under 18 U.S.C. Section 1118 (prisoner serving life term), (18 U.S.C. Section 3592(c)(1));

g. has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm (as defined in section 921) against another person (18 U.S.C. Section 3592(c)(2));

h. has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute (18 U.S.C. Section 3592(c)(3));

i. has previously been convicted of two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person (18 U.S.C. Section 3592(c)(4)).

A TRUE BILL,

/s/

Grand Jury Foreperson

/s/

WILLIAM J. IHLENFELD, II
United States Attorney